
**DEPARTMENT
POLICY****MA Only**

This is an SSI-related Group 1 MA category.

MA is available to any person who is entitled to RSDI under section 202(e) or (f) of the Social Security Act (Act), but is not eligible for SSI, and:

1. Was entitled to RSDI for December 1983; **and**
2. Was entitled to and received RSDI for disabled widow(er)s (under section 202(e) or (f) of the Act) for January 1984; **and**
3. Due to the special increase in his widow(er)'s RSDI (see **Note** below), became ineligible for SSI the first month that the increase was paid to him; **and**
4. Has been continuously entitled to widow(er)'s RSDI under section 202(e) or (f) of the Act since the increase in #3 above was received; **and**
5. Would be eligible for SSI if the increase in #3 above and all subsequent RSDI cost-of-living increases (COLAs) had not been paid; **and**
6. Applied for this category before July 1, 1988.

Note: The increase in #3 above is not a COLA increase. Before 1984 persons age 50 through 59 receiving disabled widow(er)'s RSDI under sections 202(e) or (f) of the Act received less money than widow(er)s who began receiving at age 60 or older. Section 134 of P.L. 98-21 eliminated that difference in RSDI benefits.

All eligibility factors must be met in the calendar month being tested. If the month being tested is an L/H month and eligibility exists, go to BEM 546 to determine the post-eligibility patient-pay amount.

COBRA widow(er)s eligible for Medicare are covered by the Buy-In Program (see BAM 810) and are considered eligible for QMB (BEM 165).

**NONFINANCIAL
ELIGIBILITY
FACTORS**

1. The person must:
 - Be named on the COBRA Widow(er) list issued with L-87-59; **and**
 - Be currently receiving widow(er)'s RSDI benefits, **and**
 - Have applied for MA under this category before July 1, 1988.
2. The person must be:
 - Age 65 or older (BEM 240), or
 - Blind (BEM 260), or
 - Disabled (BEM 260).
3. The MA eligibility factors in the following items must be met:
 - BEM 220, Residence.
 - BEM 221, Identity.
 - BEM 223, Social Security Numbers.
 - BEM 225, Citizenship/Alien Status.
 - BEM 255, Child Support.
 - BEM 256, Spousal/Parental Support
 - BEM 257, Third Party Resource Liability.
 - BEM 265, Institutional Status.
 - BEM 270, Pursuit of Benefits.

**FINANCIAL
ELIGIBILITY
FACTORS****Groups**

Use the fiscal and asset group policies for SSI-related groups in BEM 211.

Assets

Countable assets cannot exceed the asset limit in BEM 400. Countable assets are determined based on the MA policies in BEM 400, 401 and 402.

Divestment

Policy in BEM 405 applies.

Income Eligibility

Income eligibility exists when net income does not exceed the special protected income level in RFT 245. Income eligibility **cannot** be established with a patient-pay amount or by meeting a deductible.

Determine countable income according to MA policies in BEM 500 and 530 except as explained in “**COUNTABLE RSDI**” below. Apply the deductions in BEM 541 to countable income to determine net income.

COUNTABLE RSDI

Countable RSDI for the COBRA widow(er) is his gross RSDI benefit amount for December 1983 which was received in his January 1984 check. Gross RSDI means the amount before any deductions such as Medicare. The standard Medicare Part B premium in December 1983 was \$12.20 per month.

For all other persons, countable RSDI is the person's gross RSDI for the month being tested.

Note: An ex parte review (see glossary) is required before Medicaid closures when there is an actual or anticipated change, unless the change would result in closure due to ineligibility for all Medicaid. When possible, an ex parte review should begin at least 90 days before the anticipated change is expected to result in case closure. The review includes consideration of all MA categories. See BAM 115 and 220.

**VERIFICATION
REQUIREMENTS**

The verification requirements specified in the appropriate manual items apply. Gross RSDI for December 1983 must be verified.

**Verification
Sources**

Verification sources for the December 1983 RSDI benefit amount include:

- “COBRA Widow(er)” list issued with L-87-59.
- Existing case record verification.

- SSA-1610-U2, Public Assistance Agency Information Request (see BAM 800).

LEGAL BASE**MA**

Social Security Act, Section 1634(b)
Deficit Reduction Act 2005, Social Security Act 1903(x), PL 109-171

**JOINT POLICY
DEVELOPMENT**

Medicaid, Adult Medical Program (AMP) also known as Adult Benefit Waiver (ABW), Transitional Medical Assistance (TMA/TMA-Plus), and Maternity Outpatient Medical Services (MOMS) policy has been developed jointly by the Department of Community Health (DCH) and the Department of Human Services (DHS).